



January 16, 2015

SENATE BILL No. 216

DIGEST OF SB 216 (Updated January 14, 2015 4:31 pm - DI 87)

Citations Affected: IC 14-30.

Synopsis: St. Joseph River basin commission. Allows members of the St. Joseph River basin commission (commission) and the commission's executive board that participate in a meeting by electronic means of communication to be counted for purposes of a quorum and to vote. Requires the following for an electronic meeting to take place: (1) At least 1/3 of the members must be physically present at the meeting location. (2) All votes must be taken by roll call vote. Allows the commission to adopt a policy to govern participation in electronic meetings.

Effective: July 1, 2015.

Zakas

January 6, 2015, read first time and referred to Committee on Local Government.
January 15, 2015, amended, reported favorably — Do Pass.

SB 216—LS 6498/DI 87



January 16, 2015

First Regular Session 119th General Assembly (2015)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2014 Regular Session and 2014 Second Regular Technical Session of the General Assembly.

SENATE BILL No. 216

A BILL FOR AN ACT to amend the Indiana Code concerning natural and cultural resources.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 14-30-3-15.5 IS ADDED TO THE INDIANA
2 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
3 [EFFECTIVE JULY 1, 2015]: **Sec. 15.5. (a) This section applies to**
4 **meetings under IC 5-14-1.5 of:**

5 **(1) the commission; or**

6 **(2) an executive board appointed under section 12 of this**
7 **chapter.**

8 **(b) The definitions in IC 5-14-1.5 apply to this section.**

9 **(c) A commission member may participate in a meeting by an**
10 **electronic means that allows:**

11 **(1) all participating members; and**

12 **(2) all members of the public who are physically present at the**
13 **meeting;**

14 **to simultaneously communicate with each other. The member shall**
15 **be considered present for purposes of establishing a quorum and**
16 **may participate in any final action taken at the meeting.**

SB 216—LS 6498/DI 87



1 (d) Both of the following apply to a meeting under this section:

2 (1) At least one-third (1/3) of the members must be physically
3 present at the place where the meeting is conducted.

4 (2) All votes during the meeting must be taken by roll call
5 vote.

6 Nothing in this section affects the public's right to attend a meeting
7 at the place where the meeting is conducted and the minimum
8 number of members is physically present.

9 (e) Each member of the commission is required to physically
10 attend at least one (1) meeting of the commission annually. Each
11 member of the executive board is required to physically attend at
12 least one (1) meeting of the executive board annually.

13 (f) The commission may adopt a policy to govern participation
14 in the meetings of the commission or the executive board by
15 electronic communication. The policy may do any of the following:

16 (1) Require a member to request authorization to participate
17 in a meeting by electronic communication within a certain
18 number of days before the meeting to allow for arrangements
19 to be made for the member's participation by electronic
20 communication.

21 (2) Limit the number of meetings in a calendar year in which
22 any one (1) member may participate by electronic
23 communication.

24 (3) Provide that a member who participates in a meeting by
25 electronic communication may not cast the deciding vote on
26 any official action.

27 (4) Require a member participating in a meeting by electronic
28 communication to confirm in writing the votes cast by the
29 member during the meeting within a certain number of days
30 after the date of the meeting.

31 (5) Provide that in addition to the location where a meeting is
32 conducted, the public may also attend some or all meetings,
33 excluding executive sessions, at a public place or public places
34 at which a member is physically present and participates by
35 electronic communication. If the commission's policy includes
36 this provision, a meeting notice must provide the following
37 information:

38 (A) The identity of each member who will be physically
39 present at a public place and participate in the meeting by
40 electronic communication.

41 (B) The address and telephone number of each public place



- 1 where a member will be physically present and participate
2 by electronic communication.
3 (C) Unless the meeting is an executive session, a statement
4 that a location described in clause (B) will be open and
5 accessible to the public.
6 (6) Establish any other procedures, limitations, or conditions
7 that govern participation in meetings of the commission by
8 electronic communication and are not in conflict with this
9 chapter.
10 (g) Nothing in this section affects the commission's right to
11 exclude the public from an executive session in which a member
12 participates by electronic communication.



COMMITTEE REPORT

Madam President: The Senate Committee on Local Government, to which was referred Senate Bill No. 216, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, line 3, delete "The definitions in" and insert "**This section applies to meetings under IC 5-14-1.5 of:**

(1) the commission; or

(2) an executive board appointed under section 12 of this chapter.

(b) The definitions in".

Page 1, line 5, delete "(b)" and insert "(c)".

Page 1, delete lines 13 through 16, begin a new paragraph and insert:

(d) Both of the following apply to a meeting under this section:

(1) At least one-third (1/3) of the members must be physically present at the place where the meeting is conducted.

(2) All votes during the meeting must be taken by roll call vote.

Nothing in this section affects the public's right to attend a meeting at the place where the meeting is conducted and the minimum number of members is physically present.

(e) Each member of the commission is required to physically attend at least one (1) meeting of the commission annually. Each member of the executive board is required to physically attend at least one (1) meeting of the executive board annually.

(f) The commission may adopt a policy to govern participation in the meetings of the commission or the executive board by electronic communication. The policy may do any of the following:

(1) Require a member to request authorization to participate in a meeting by electronic communication within a certain number of days before the meeting to allow for arrangements to be made for the member's participation by electronic communication.

(2) Limit the number of meetings in a calendar year in which any one (1) member may participate by electronic communication.

(3) Provide that a member who participates in a meeting by electronic communication may not cast the deciding vote on any official action.

(4) Require a member participating in a meeting by electronic communication to confirm in writing the votes cast by the



member during the meeting within a certain number of days after the date of the meeting.

(5) Provide that in addition to the location where a meeting is conducted, the public may also attend some or all meetings, excluding executive sessions, at a public place or public places at which a member is physically present and participates by electronic communication. If the commission's policy includes this provision, a meeting notice must provide the following information:

(A) The identity of each member who will be physically present at a public place and participate in the meeting by electronic communication.

(B) The address and telephone number of each public place where a member will be physically present and participate by electronic communication.

(C) Unless the meeting is an executive session, a statement that a location described in clause (B) will be open and accessible to the public.

(6) Establish any other procedures, limitations, or conditions that govern participation in meetings of the commission by electronic communication and are not in conflict with this chapter.

(g) Nothing in this section affects the commission's right to exclude the public from an executive session in which a member participates by electronic communication."

Page 2, delete line 1.

and when so amended that said bill do pass.

(Reference is to SB 216 as introduced.)

HEAD, Chairperson

Committee Vote: Yeas 7, Nays 0.

